

DOA
11/6/17

UNITED STATES DISTRICT COURT

for the
District of Arizona

United States of America)
v.)
Fernando Garcia-Martinez,)
a.k.a.: Cesar Uribe-Ramos,)
a.k.a.: Cesar Uribe,)
(A094 087 806))

Case No. 17-7558 MJ

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of September 16, 2015, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Fernando Garcia-Martinez, an alien, was found in the United States of America, at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near San Ysidro, California, on or about December 5, 2007, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1). I further state that I am a Deportation Officer.

This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein

CEB
REVIEWED BY: Charles E. Bailey, P.S. for AUSA Jillian M. Besancon

☒ Continued on the attached sheet.

Complainant's signature

Gilbert V. Longoria,
Deportation Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: November 7, 2017

Judge's signature

City and state: Phoenix, Arizona

Bridget S. Bade,
United States Magistrate Judge

Printed name and title

STATEMENT OF PROBABLE CAUSE

I, Gilbert V. Longoria, being duly sworn, hereby depose and state as follow:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On or about September 16, 2015, Fernando Garcia-Martinez was booked into the Maricopa County Jail (MCJ) intake facility by the Maricopa County Sheriff's Office on local charges. While incarcerated at the MCJ, Garcia-Martinez was examined by ICE Officer G. Burns who determined him to be a Mexican citizen, illegally present in the United States. On the same date, an immigration detainer was lodged with the county jail. On November 6, 2017, Garcia-Martinez was released from the Arizona Department of Corrections and transported to the Phoenix ICE office for further investigation and processing. Garcia-Martinez was held in administrative custody until his criminal and immigration records could be obtained and his identity confirmed.
3. Immigration history checks revealed Fernando Garcia-Martinez to be a citizen of Mexico and a previously deported criminal alien. Garcia-Martinez was removed from

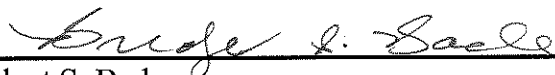
the United States to Mexico at or near San Ysidro, California, on or about December 5, 2007, pursuant to an order of removal issued by an immigration judge. There is no record of Garcia-Martinez in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Garcia-Martinez's immigration history was matched to him by electronic fingerprint comparison.

4. Criminal history checks revealed that Fernando Garcia-Martinez was convicted of Delivery of a Schedule II Controlled Substance (Meth), a felony offense, on January 23, 2004, in the Circuit Court of the State of Oregon, for the County of Marion. Garcia-Martinez was sentenced to twenty-two (22) months' incarceration and thirty-six (36) months' probation. Garcia-Martinez's criminal history was matched to him by electronic fingerprint comparison.
5. On November 6, 2017, Fernando Garcia-Martinez was advised of his constitutional rights. Garcia-Martinez freely and willingly acknowledged his rights and declined to make any further statements.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about September 16, 2015, Fernando Garcia-Martinez, an alien, was found in the United States of America, at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United

States at or near San Ysidro, California, on or about December 5, 2007, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1).


Gilbert V. Longoria,
Deportation Officer,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 7th day of November, 2017.


Bridget S. Bade,
United States Magistrate Judge